

09-22 07

3778

45



EXPRESS MAIL NO.: EV335857083US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	DING et al.	Confirmation No.:	4829
Application No.:	10/603,115	Art Unit:	3738
Filed:	June 24, 2003	Examiner:	To be assigned
For:	DRUG COATING WITH TOPCOAT	Attorney Docket No.:	10177-191-999

**PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**  
**SEP 20 2003**  
**TECHNOLOGY CENTER R3700**

Sir:

Applicants hereby petition, pursuant to 37 C.F.R. § 1.102(d) and M.P.E.P. 708.02(II), to make special the above-identified application on the grounds of actual infringement.

The specific facts relied upon in making this petition are provided in the accompanying Declaration of Gidon D. Stern. The Declaration evidences that:

- (i) there is an infringing product actually on the market;
- (ii) a rigid comparison of the alleged infringing product with the claims of this application has been made, and that, in the declarant's opinion, some of the claims are unquestionably infringed; and
- (iii) that the declarant has a good knowledge of the pertinent prior art.

In further support of this petition, Applicants respectfully point to the Information Disclosure Statement filed June 24, 2003 identifying the references deemed most closely related to the subject matter encompassed by the claims of this application.

A favorable and prompt decision regarding the present application is courteously requested.

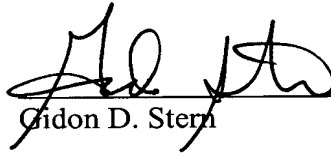
09/25/2003 JBALINAN 00000090 161150 10603115

01 FC:1460 130.00 DA

Please charge the required fee under 37 C.F.R. §1.17(h), which is estimated to be **\$130.00**, or any fee deemed necessary, except the issue fee, to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Date: September 19, 2003



Gidon D. Stern

27,469

(Reg. No.)

**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, New York 10036  
(212) 790-9090



**EXPRESS MAIL NO.: EV335857083US**

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	DING et al.	Confirmation No.:	4829
Application No.:	10/603,115	Art Unit:	3738
Filed:	June 24, 2003	Examiner:	To be assigned
For:	DRUG COATING WITH TOPCOAT	Attorney Docket No.:	10177-191-999

**DECLARATION OF GIDON D. STERN  
IN SUPPORT OF PETITION TO MAKE SPECIAL**

**RECEIVED**

**SEP 29 2003**

**TECHNOLOGY CENTER R3700**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Gidon D. Stern, am an attorney of record in the above-identified application and am admitted to practice before the United States Patent and Trademark Office, Registration No. 27,469.

I declare, upon information provided by the Assignee of the above-identified application, that there is an infringing product actually on the market.

I declare that I have made a rigid comparison of the alleged infringing product, as described in the information provided by the Assignee, with the claims pending in the above-identified application, and in my opinion, at least some of the claims are unquestionably infringed.

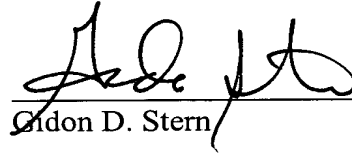
I declare that I have a good knowledge of the pertinent prior art.

I declare that to the best of my knowledge the Information Disclosure Statement filed June 24, 2003 provides the most closely related prior art to the subject matter encompassed by the claims of this application and that copies of these reference have been made of record.

I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

Respectfully submitted,

Date: September 19, 2003



Gidon D. Stern

27,469  
(Reg. No.)

**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, New York 10036  
(212) 790-9090